

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HSBC BANK,

No. C-12-2068 EMC

Plaintiff,

**ORDER REMANDING CASE TO STATE  
COURT**

v.

LILIA MADAMBA, *et al.*,

Defendants.

Previously, the Court issued an order instructing Defendants to show cause why this case should not be remanded to state court. *See* Docket No. 13 (order). Defendants filed their response on September 24, 2012. *See* Docket No. 14 (response). Having reviewed the response, the Court hereby finds that Defendants have failed to show cause.

First, Defendants have failed to show that this Court has subject matter jurisdiction over what appears to be an unlawful detainer action only. To the extent Defendants argue that there is federal question jurisdiction because they have federal claims or defenses against Plaintiff, that argument is without merit because federal question jurisdiction depends on the contents of the plaintiff's well-pleaded complaint and may not be predicated on the defendant's counterclaims or defenses. *See Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826 (2002); *ARCO Env'tl. Remediation, L.L.C. v. Department of Health & Env'tl. Quality of St. of Mont.*, 213 F.3d 1108, 1113 (9th Cir. 2000).


Second, Defendants have not pointed to any authority, and the Court is not aware of any authority, which would allow this Court to exercise jurisdiction over a state court judgment. *See*

1 *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004) (noting that, under the Rooker-  
2 Feldman doctrine, a federal district court is barred “from exercising subject matter jurisdiction over  
3 a suit that is a de facto appeal from a state court judgment”).

4 Accordingly, the Court hereby **REMANDS** this case to state court. The Clerk of the Court  
5 shall enter judgment in accordance with this order and close the file in this case.

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7 IT IS SO ORDERED.

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9 Dated: October 3, 2012

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12 EDWARD M. CHEN  
13 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HSBC BANK,

Plaintiff,

v.

LILIA MADAMBA et al,

Defendant.

Case Number: CV12-02068 EMC

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 3, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lilia Flores Madamba  
c/o 32 Alisal Court  
Pacifica, CA 94044

Rowen Madamba  
c/o 32 Alisal Court  
Pacifica, CA 94044

Dated: October 3, 2012



Richard W. Wieking, Clerk  
By: Betty Lee, Deputy Clerk